

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF WASHINGTON**

SEAN MICHAEL LANDRY,

Plaintiff,

v.

MARK THOMAS, a Marysville City Jail
Commander, JANE DOE THOMAS, and the
marital community comprised thereof; CHRIS
JONES, a Marysville City Jail Sergeant, JANE
DOE JONES, and the marital community
comprised thereof; JOHN DOE JAIL
OFFICERS 1-50, Marysville City Jail Officers,
JANE DOE JAIL OFFICERS 1-50, and the
marital communities comprised thereof;
MARTIN MCFALLS, Marysville Fire District
Fire Chief, JANE DOE MCFALLS, and the
marital community comprised thereof; JEFF
COLE, Marysville Fire District Deputy Fire
Chief, JANE DOE COLE, and the marital
community comprised thereof; TOM
MALONEY, Marysville Fire District Deputy
Fire Chief, JANE DOE MALONEY, and the
marital community comprised thereof;
DARRYL NEUHOFF, Marysville Fire
District Deputy Fire Chief, JANE DOE
NEUHOFF, and the marital community
comprised thereof; JOHN DOE
EMERGENCY MEDICAL TECHNICIAN 1-
5, Marysville Fire District Emergency Medical

No.

COMPLAINT

With Jury Demand

1 Technicians, JANE DOE EMERGENCY
2 MEDICAL TECHNICIAN 1-5, and the
3 marital communities comprised thereof;
4 MARYSVILLE FIRE DISTRICT, a local
government entity; and CITY OF
MARYSVILLE, a municipal corporation,
5
6 Defendants.

7 COMES NOW the Plaintiff, Sean Landry, through his attorneys of record, Kannin Law
8 Firm P.S., and hereby presents the following claims:

9
10 **JURISDICTION**

11 1.

12 Jurisdiction is founded upon the existence of a federal question.

13 2.

14 This is an action to redress the deprivation under color of statute, ordinance, regulation,
15 custom or usage of rights, privileges, and immunities secured to the Plaintiff by the Eighth, and
16 Fourteenth Amendments to the Constitution of the United States (42 U.S.C. § 1983).

17 3.

18 Jurisdiction is founded upon 28 U.S.C. § 1331 and § 1343(3) and (4).

19 4.

20 Venue is proper in the United States District Court of the Western District of Washington
21 because the acts or omissions which form the basis of the Plaintiff's claims occurred in Marysville,
22 Snohomish County, Washington, and the Defendants reside in Washington State

23 5.

24 At all times relevant to this complaint, Plaintiff was an individual residing in Edmonds,
25 Snohomish County, Washington.

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6.

At all times referred to herein, Defendant MARK THOMAS, City of Marysville Jail Commander, was employed by Defendant City of Marysville and its Jail as the commander of the City of Marysville Jail and is believed to have been the supervising and commanding officer of Defendant CHRIS JONES, City of Marysville Jail Sergeant and Defendants JOHN DOE JAIL OFFICERS 1-50.

7.

At all times referred to herein, Defendant CHRIS JONES, City of Marysville Jail Sergeant, was employed by Defendant City of Marysville and its Jail as a Sergeant and is believed to have been the supervising and commanding officer of Defendants JOHN DOE JAIL OFFICERS 1-50 also employed by Defendant City of Marysville as Officers at the City jail.

8.

At all times referred to herein, Defendant MARTIN MCFALLS, Marysville Fire District Fire Chief, was employed by Defendant Marysville Fire District and its Marysville Fire Department as the Fire Chief of Marysville Fire Department and is believed to have been the supervising and commanding officer of Defendants JEFF COLE, Marysville Fire District Deputy Chief, TOM MALONEY, Marysville Fire District Deputy Chief, DARRYL NEUHOFF, Marysville Fire District Deputy Chief, and JOHN DOE EMERGENCY MEDICAL TECHNICIAN 1-5.

9.

At all times referred to herein, Defendants JEFF COLE, Marysville Fire District Deputy Chief, TOM MALONEY, Marysville Fire District Deputy Chief, DARRYL NEUHOFF, Marysville Fire District Deputy Chief, were employed by Defendant Marysville Fire District and

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its Marysville Fire Department as Deputy Fire Chiefs of Marysville Fire Department and are believed to have been the supervising and commanding officer of Defendants JOHN and JANE DOE EMERGENCY MEDICAL TECHNICIANS 1-5 were also employed by the Defendant Marysville Fire District.

10.

Plaintiff sues all individual Defendant City of Marysville Jail employees, Defendant John Doe Jail Officers 1-50, and Jail Supervising Officers Jail Commander Mark Thomas, Jail Supervising Sergeant Chris Jones, and City Of Marysville Fire District Emergency Medical Technicians (EMTs) 1-5 in their individual capacities and sues the supervisory/municipal defendants City of Marysville, Marysville Fire District, Jail Commander Mark Thomas, Jail Supervising Sergeant Chris Jones, Fire Chief Martin McFalls, Deputy Fire Chief Jeff Cole, Deputy Fire Chief, Deputy Fire Chief Tom Maloney, and Deputy Fire Chief Darryl Neuhoﬀ in their official capacities. At all times relevant to this complaint the Defendants were acting within the scope of their employment for Defendants City of Marysville and/or Marysville Fire District and, along with Defendant municipal corporations City of Marysville and Marysville Fire District, at all times alleged to be acting under color of Washington state law.

FACTS

11.

On December 13, 2018, Plaintiff Landry was arrested on suspicion of shoplifting at the Walmart store in Arlington, Washington. The arresting police officers transported Plaintiff Landry to the City of Marysville Jail, where he was booked in on the evening of December 13, 2018.

12.

The next day, December 14, 2018, Plaintiff Landry began experiencing severe headaches and felt very unwell. He reported that his head hurt so bad and was so painful that he had never in his life felt anything like the headache that he was having at the Marysville Jail. Plaintiff also reported that he felt weak, nauseous, and dizzy. Plaintiff reported his illnesses and physical condition to the Marysville Jail Officer on duty. The jail officer gave Landry an Ibuprofen pill. The over-the-counter Ibuprofen medicine did not alleviate Landry's headache, pain, weakness and dizziness. Landry followed the Jail officer's instructions, and attempted to go to sleep in his cell block bed.

13.

When Landry woke up on the morning of December 15, 2018, his physical condition had worsened. Landry's headache pain had gotten worse. Plaintiff Landry felt dizzy, weak, and unsteady when he tried to get up and out of bed. Landry thought he was going to faint or pass out trying to get out of his bed in the cell block at the Marysville jail where he was incarcerated. Plaintiff Landry also noticed that he was having difficulty seeing. His vision was impaired, and he thought he was going blind. Plaintiff Landry reported all these symptoms of illness or injury to the Marysville Jail officer on duty. Plaintiff Landry told the Marysville Jail Officer that he was feeling extremely un-well, was dizzy, weak through his body, felt unsteady standing up, that he was having problems with his vision, couldn't completely see out of his left eye and his right eye, and he thought he was going blind. He also told the Marysville Jail Officer that he had an extremely painful headache, like none that he had ever felt in his life, that he was feeling dizzy,

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1 and thought he was going to faint or pass out. The Marysville Jail Officer ignored Plaintiff
2 Landry's reported illnesses. The jail officer told Landry that a visitor had arrived at the
3 Marysville Jail to see Landry. Plaintiff Landry had to extend his arm out onto the wall to steady
4 himself before he left his cell block area where he was housed. Landry's head hurt, he was in
5 extreme pain, and his vision was impaired as left his cell and went to the visitor's area of the
6 Marysville Jail where he met the visitor. The visit ended sometime after 12 noon on Saturday
7 December 15, 2018

8 14.

9 After the visit was over a Marysville Jail Officer took Plaintiff Landry back to his cell
10 block where he was housed in the Marysville Jail. All through the visit Landry's head was
11 spinning, he felt dizzy, his headache pain intensified and his eyesight further deteriorated until
12 he was almost blind in his left eye.. When Landry stood up from the chair he was sitting in, at the
13 Jail visitor' area, Landry almost felt down. The Marysville Jail Officer that came to get him
14 from the visitor area saw Landry holding myself up and asked Landry if he was alright.
15 Landry told the Marysville Jail Officer what he had told the Jail Officer earlier, that he felt
16 extremely weak, dizzy and felt like he was going blind because he could not see out of this left
17 eye and that he had an intense, painful headache like none he had ever had before. The
18 Marysville Jail Officer told Landry to go to his bunk in his cell block and lay down. The
19 Marysville Jail Officer also told Landry that he would tell the other Marysville Jail Officer on
20 duty that night that Landry was not feeling well.

21 15.

22 About an hour later a Marysville Jail Officer came to Landry's cell and told Landry to go
23 to the Jail Officers' desk area and talk with the Marysville Jail Officer on duty there. Plaintiff

1 Landry followed the Marysville Jail Officer's instructions. When Landry arrived at the Jail
2 Officers' desk area, the Jail Officer on duty asked Landry what was going on with his physical
3 health. Plaintiff Landry told the Marysville Jail Officer, reporting his illness/injuries for the third
4 time, Landry told the jail officer on duty that he was extremely dizzy, had trouble standing up,
5 was experiencing muscle weakness, had a very severe and painful headache, had lost his
6 eyesight in his left eye, was losing his eyesight in his right eye, generally felt physically terrible,
7 and that something was wrong, he was physically very ill. Next another Marysville Jail Officer
8 showed up, with Landry's mattress from his cell. The Marysville Jail Officer told Landry to go
9 to the hole (solitary confinement) and lay down. The Jail Officer told Landry that since Landry
10 reported feeling dizzy, was having balance problems, and was not able to stand on his own or
11 maintain his balance, that the Marysville Jail's solitary confinement cell was safer for Landry
12 because it was padded, and, that if Landry fell there would not be anything hard in the solitary
13 confinement cell for Landry to hit and further injure himself. After Plaintiff Landry reported his
14 illnesses, symptoms and medical emergency to the Marysville Jail Officer, according to the
15 Officer, the Jail's solitary confinement room is safer for a sick man like Landry because it's a
16 padded holding cell. Plaintiff Landry asked the Marysville Jail Officer if he could please see a
17 medical doctor before going to solitary confinement. Landry further told the Marysville Jail
18 Officers that there was something seriously wrong with him, he was having an intense and
19 extremely painful headache, felt extremely dizzy, was not able to walk normally, could not keep
20 his balance, could not see, and was further losing his eyesight. The Marysville Jail Officer
21 denied Plaintiff Landry's requests for medical attention, took Plaintiff Landry to the solitary
22 confinement cell and put Landry into the cell later in the afternoon on December 15, 2018.
23
24

16.

Plaintiff Landry fell asleep in the solitary cell and woke sometime later after being passed out or asleep in the holding cell for approximately six hours. Plaintiff Landry's physical condition deteriorated. He was feeling extremely ill. He pounded on the door of the solitary confinement cell until a Marysville Jail Officer appeared outside Landry's cell door. Landry asked the Jail Officer why there was no response to Landry's earlier request for medical assistance, made hours earlier that night. Landry had told the Marysville Jail Officers that there was something seriously physically wrong with him, he was having an intense and extremely painful headache, felt extremely dizzy, was not able to walk normally, could not keep his balance, could not see, and was further losing his eyesight. The Marysville Jail Officer was dismissive, mocked Landry, and left without further responding to Landry's request for medical assistance.

17.

Sometime later that night several Emergency Medical Technicians ("EMT") from the City of Marysville Fire District came to the City of Marysville Jail to examine Plaintiff Landry. Plaintiff Landry told the Marysville Fire District EMTs (Defendant John and Jane Doe EMTs 1-5) what he and previously told the Defendant Marysville Jail Officers. There was something seriously physically wrong with Landry, he was having an intense and extremely painful headache, felt extremely dizzy, felt nauseous, was not able to walk normally, could not keep his balance, , could not see, and was further losing his eyesight. The Defendant Marysville Fire District EMTs examined Plaintiff Landry. At the end of their approximately fifteen-minute exam the Marysville Fire District EMTs told Landry that he was ok, his physical health was

1 fine, and that he should be sent back to bed in his cell. The Marysville Jail Officers put Plaintiff
2 Landry back in his cell.

3 18.

4 The next day, on or about December 16, 2018, one of the Defendant Marysville Fire
5 District EMTs returned to the Marysville Jail to perform a follow-up physical exam of Plaintiff
6 Sean Landry. Upon completing this second physical exam the Marysville Fire District EMT
7 instructed the Marysville Jail Officers that Plaintiff Landry was seriously ill, needed medical
8 attention, and that Landry needed to go the hospital to get the medical attention that he needed.
9 The Marysville Jail Officers took Plaintiff Landry out of the Marysville Jail to the parking lot
10 outside where a police car was waiting. A city of Arlington police officer drove Plaintiff Landry
11 to the Cascade Valley Hospital in Arlington, Washington.
12

13 19.

14 When Plaintiff Landry arrived at the Cascade Valley Hospital on December 16, 2018, he
15 was checked into the hospital emergency room (ER) and handcuffed to a hospital bed.
16 Sometime later doctors at the hospital ER told Landry that he had suffered a series of ischemic
17 strokes in the days he was at the Marysville jail. Landry's doctors further told him that he had
18 experienced an illness called atrial fibrillation. The doctors informed Landry that the strokes
19 occurred because of atrial fibrillation caused blood clots, which traveled from Landry's heart to
20 his brain, where the clots blocked the blood flow to Landry's brain, causing the strokes. This
21 illness required immediate medical treatment. It all occurred when Plaintiff Landry was a prisoner
22 in custody at the City of Marysville Jail. Plaintiff Landry reported to the Marysville Jail
23 Officers that he was very seriously ill however no one at the jail helped or responded in time.
24 Landry was admitted to the Hospital's Intensive Care Unit (ICU). He was in the hospital for
25

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1 days. The doctors and staff at the Cascade Valley Hospital did their best to treat Plaintiff
2 Landry's stroke, however the medical intervention came too late.

3 20.

4 As a direct result of the lack of medical care and delay in medical care provided to
5 Plaintiff Landry, when he was in custody at the jail, owned and operated by the Defendant City
6 of Marysville, the effects of the ischemic strokes Plaintiff suffered when he was a prisoner at
7 the jail, were substantially worsened. Because of the delay in treating Landry's strokes, Landry
8 now has a permanent vision loss in his left eye and right eye, brain damage/memory loss, on-
9 going medical care, permanent problems with his balance and gait, and permanently impaired
10 cognitive function.

11 21.

12
13 Defendant John Doe Jail Officers 1-50, and Jail Supervising Officers Jail Commander
14 Mark Thomas, Jail Supervising Sergeant Chris Jones, accepted Plaintiff LANDRY into the City
15 of Marysville Jail. At the jail, Plaintiff Landry made several reports to Defendant John Doe Jail
16 Officers 1-50, and directly or indirectly to the Jail Supervising Officers Jail Commander Mark
17 Thomas, and Jail Supervising Sergeant Chris Jones, in which Plaintiff Landry reported that he
18 was having severe headaches, he felt weak, nauseous, and dizzy, he could not maintain his
19 balance when standing up- that he lost his eye sight in his left eye and thought that he was going
20 blind in both eyes. Plaintiff reported his illnesses and deteriorating physical condition to the
21 Marysville Jail Officers on duty. Defendant John Doe Jail Officers 1-50, and Jail Supervising
22 Officers Jail Commander Mark Thomas, and Jail Supervising Sergeant Chris Jones, are believed
23 to have reviewed Plaintiff Landry's reported illnesses after he was taken into the custody at the
24 City of Marysville Jail and to have approved Plaintiff Landry to be kept at the jail without

adequate medical screening , without being examined by medical doctors or taken to a hospital and to be housed in a padded cell instead of being given medical attention for his illnesses he presented with at the Marysville Jail.

22.

At the City of Marysville Jail Plaintiff LANDRY's physical condition and illnesses worsened while he was incarcerated. Plaintiff continued to request help and/or medical attention and to be seen by a physician. City of Marysville Jail personnel, including defendants Defendant John Doe Jail Officers 1-50, and Jail Supervising Officers Jail Commander Mark Thomas, Jail Supervising Sergeant Chris Jones, and Marysville Fire District John/Jane Does EMTs 1-5 are believed to have heard or knew of Plaintiff's requests and ignored them. Plaintiff LANDRY asked repeatedly for medical assistance because of the extreme pain and distress he was experiencing at the jail. Plaintiff was eventually released from the City of Marysville Jail on or about December 16, 2018 only after one of the Marysville Fire District Defendant J. Doe EMTs returned to examine Plaintiff Landry a full day after the Defendant EMT first examined Plaintiff Landry at the jail. After this second exam the EMT decided Plaintiff Landry needed immediate medical attention which was not available at the Marysville Jail.

23.

After Plaintiff LANDRY was discharged from the Cascade Valley hospital, Plaintiff's physicians continued to provide medical treatment to Plaintiff. Plaintiff's physicians also diagnosed Landry with two strokes and atrial fibrillation that was worsened as a direct result of the Defendants' acts and failures to act. Plaintiff Landry underwent a painful course of physical therapy that caused him to further suffer as a direct result of the Defendants' acts and failures to act. Plaintiff's cognitive and speech functions were impaired, and he underwent additional

1 medical treatment. Plaintiff is permanently partially disabled as a direct result of the Defendants'
2 acts and failures to act.

3 24.

4 On December 14, 2018, defendant MARK THOMAS was the Commander of the City
5 of Marysville Jail and as the Commanding Jail officer he was the supervising officer of
6 Defendant Jail Supervising Sergeant Chris Jones and Defendants Marysville Jail Officers John
7 Doe's 1- 50 who are believed to have responded and/ or failed to respond to Plaintiff Landry's
8 requests for medical assistance when he was a prisoner at the Defendant City of Marysville's
9 Jail. Defendant MARK THOMAS was City of Marysville employee responsible for training and
10 supervising defendants Jail Supervising Sergeant Chris Jones and Defendants Marysville Jail
11 Officers John Doe's 1- 50 was the City of Marysville employee responsible for ensuring
12 defendants Defendant Jail Supervising Sergeant Chris Jones and Defendants Marysville Jail
13 Officers John Doe's 1- 50 were adequately and lawfully trained and supervised when carrying
14 out their duties on behalf of the Defendant City of Marysville.
15

16 25.

17 On December 14, 2018, Defendant Fire Chief Martin McFalls was the Chief of the
18 Marysville Fire District, as Chief he was supervising officer of Defendants Deputy Fire Chief
19 Jeff Cole, Deputy Fire Chief, Deputy Fire Chief Tom Maloney, and Deputy Fire Chief Darryl
20 Neuhooff and Marysville Fire District Emergency Medical Technicians (EMTs) 1-5 who are
21 believed to have responded an/ or failed to respond to Plaintiff Landry's requests for medical
22 assistance when he was a prisoner at the Defendant City of Marysville's Jail. Defendant Fire
23 Chief Martin McFalls was the Marysville Fire District, employee responsible for training and
24 supervising Defendants Deputy Fire Chief Jeff Cole, Deputy Fire Chief, Deputy Fire Chief Tom
25

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1 Maloney, and Deputy Fire Chief Darryl Neuhoff and City Of Marysville Fire District
2 Emergency Medical Technicians (EMTs) 1-5 and was the Marysville Fire District employee
3 responsible for ensuring defendants Defendant Deputy Fire Chief Jeff Cole, Deputy Fire Chief,
4 Deputy Fire Chief Tom Maloney, and Deputy Fire Chief Darryl Neuhoff and Marysville Fire
5 District Emergency Medical Technicians (EMTs) 1-5 were adequately and lawfully trained and
6 supervised when carrying out their duties on behalf of the Defendant Marysville Fire District.

7
8 26.

9 The Marysville Defendants caused Plaintiff Landry to suffer painful disabling injuries to
10 his person/body that required the expenditure of money for medical care and treatment of his
11 injuries. The Marysville Defendants' acts and failures to act caused Plaintiff Landry to suffer
12 serious permanent disabling injuries. Plaintiff Landry underwent medical treatment for his
13 injuries. Plaintiff Landry anticipates additional medical treatment to be necessary for his injuries
14 caused by the Marysville Defendants' acts and failures to act. Plaintiff Landry's injuries were
15 and are painful, permanent, disabling, and disfiguring. Plaintiff Landry continues to suffer from
16 his injuries caused by the Marysville defendants.

17
18
19 27.

20 The Marysville defendants caused Plaintiff Landry to lose wages and income as a direct
21 and proximate result of the injuries they caused him to suffer. The Marysville Defendants' acts
22 and failures to act impaired Plaintiff Landry' ability to earn wages. As a direct result Plaintiff
23 Landry anticipates future lost wages caused by the Marysville Defendants' acts and failures to
24 act.

28.

Defendant Chief Thomas is believed to be defendant municipal corporation City of Marysville's chief policy maker regarding implementing the City of Marysville Jail's policies, practices and customs. He is further believed to be defendant City of Marysville's representative who ultimately approved, and/or ratified the other defendants' medical response to Plaintiff Landry illness at the City of Marysville Jail. Defendant Chief Thomas is further believed to be Defendant municipal corporation City Marysville's chief policy maker regarding implementing the City of Marysville Jail's policies, practices and customs for providing medical treatment and follow-up care for prisoners at the jail. In determining and implementing the Marysville City Jail's policies, he is believed to rely upon the assistance of, and policy making, development and implementation of Defendants City Marysville jail supervisory employees Sergeant Chris Jones, and Marysville Fire District employees Fire Chief Martin McFalls, Deputy Fire Chief Jeff Cole, Deputy Fire Chief, Deputy Fire Chief Tom Maloney, and Deputy Fire Chief Darryl Neuhooff.

29.

Defendant Fire Chief Martin McFalls is believed to be Defendant Marysville Fire District's chief policy maker regarding implementing the Marysville Fire District's for responding to medical emergencies at the City of Marysville Jail and its policies, practices and customs for emergency medical care at the City jail.. He is further believed to be Defendant Marysville Fire District's representative who ultimately approved, and/or ratified the other defendants' medical response to Plaintiff Landry's illness at the City of Marysville Jail. Defendant Chief Martin McFalls is further believed to be Defendant Marysville Fire District's chief policy maker regarding implementing the Fire District's medical response, its policies,

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practices and customs, for providing medical treatment and follow-up care for prisoners at the City of Marysville jail. In determining and implementing the M Defendant Marysville Fire District's policies, Defendant Fire Chief Martin McFalls is believed to rely upon the assistance of, and policy making, development and implementation of Defendants City Marysville jail supervisory employees Chief Thomas, Sergeant Chris Jones, and Marysville Fire District employees Deputy Fire Chief Jeff Cole, Deputy Fire Chief, Deputy Fire Chief Tom Maloney, and Deputy Fire Chief Darryl Neuhooff.

30.

As a direct and proximate result of the said acts of the City of Marysville and Marysville Fire District Defendants and their employees named as Defendants, the Plaintiff Sean Landry suffered the following injuries and damages:

- a. Violation of his constitutional rights under the Eighth and Fourteenth Amendments to the United States Constitution to be free from a cruel and unusual punishment when a prisoner in custody at the City of Marysville Jail;
- b. Physical pain and suffering requiring the expenditure of money for treatment;
- c. Economic and non-economic damages incurred and expected to be incurred, in an amount to be established at trial.

31.

The actions of the Defendants further violated the following clearly established and well-settled federal constitutional rights of Plaintiff Sean Landry:

- a. Denial of access to reasonable and necessary medical care and treatment after plaintiff became a prisoner in the custody of the Defendants.
- b. An unconstitutional policy, practice or custom that calls for sick and injured

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1 prisoners to be held in a padded cell instead of being given medical treatment.

2
3 **FIRST CLAIM: UNDER 42 U.S.C § 1983 AGAINST DEFENDANTS AGAINST**
4 **DEFENDANTS CITY OF MARYSVILLE JAIL OFFICERS JOHN DOES 1 – 50; MARK**
5 **THOMAS, Marysville City Jail Commander; CHRIS JONES, Marysville City Jail**
6 **Sergeant; Marysville Fire District EMERGENCY MEDICAL TECHNICIAN (EMTs)**
7 **JOHN and JANE DOES ALL IN THEIR INDIVIDUAL CAPACITIES UNDER 42 U.S.C**
8 **§ 1983 FOR VIOLATION OF PLAINTIFF’S EIGHTH AND FOURTEENTH**
9 **AMENDMENT RIGHTS**
10 **(CRUEL AND UNUSUAL PUNISHMENT DELIBERATE INDIFFERENCE TO IN**
11 **CUSTODY PLAINTIFF SEAN LANDRY’S MEDICAL CONDITIONS AND DENIAL OF**
12 **MEDICAL TREATMENT AT THE CITY OF MARYSVILLE JAIL)**

13 32.

14 Plaintiff realleges paragraphs 1 through 31 above.

15 33.

16 At all times material herein, Defendants City of Marysville Jail Officers John Does 1 –
17 50, Mark Thomas Jail Commander, Chris Jones Marysville Jail Sergeant and Defendants
18 Marysville Fire District Emergency Medical Technicians (EMTs) 1-5, acting under color of state
19 law, had a duty to refrain from depriving Plaintiff Sean Landry of his constitutional rights under
20 the constitution of the United States of America.

21 34.

22 Marysville Defendants City of Marysville Jail Officers John Does 1 – 50, Mark
23 Thomas Jail Commander, Chris Jones Marysville Jail Sergeant and Defendants Marysville Fire
24 District Emergency Medical Technicians (EMTs) 1-5 breached the aforementioned duty to
25 refrain from depriving Plaintiff of his constitutional rights by deliberately withholding necessary
26 medical treatment from Plaintiff Landry, which constituted a violation of Plaintiff’s clearly-
established rights under the Eighth and Fourteenth Amendments to the Constitution of the United

1 States, to not cruelly punish or injure prisoners at the Marysville County Jail.

2 35.

3 At the time they breached their duties to Plaintiff, the Defendants City of Marysville Jail
4 Officers John Does 1 – 50, Mark Thomas Jail Commander, Chris Jones Marysville Jail Sergeant
5 and Defendants Marysville Fire District Emergency Medical Technicians (EMTs) 1-5 acted
6 under color of law and were employed by or were agents of Defendant City of Marysville and/or
7 Defendant Marysville Fire District acting in their individual capacities.

8
9 36.

10 Plaintiff Landry claims damages for the injuries set forth above under 42 U.S.C. § 1983
11 against Defendants City of Marysville Jail Officers John Does 1 – 50, Mark Thomas Jail
12 Commander, Chris Jones Marysville Jail Sergeant and Defendants Marysville Fire District
13 Emergency Medical Technicians (EMTs) 1-5 for violation of his constitutional rights under color
14 of law in an amount to be proven at trial.

15
16 37.

17 The conduct of the defendants was reckless and, or knowing, intentional, and malicious,
18 by reason of which plaintiff is entitled to punitive damages.

19
20 **SECOND CLAIM: UNDER 42 U.S.C § 1983 AGAINST DEFENDANT CITY OF**
21 **MARYSVILLE , DEFENDANT MARK THOMAS, IN HIS OFFICIAL CAPACITY AS**
22 **CHIEF OF MARYSVILLE CITY JAIL AND CORRECTIONS, & DEFENDANT**
23 **SERGEANT CHRIS JONES MARYSVILLE CITY JAIL AND CORRECTIONS**
24 **SUPERVISING SERGEANT IN HIS OFFICIAL CAPACITY AS SUPERVISORY**
25 **SERGEANT OF THE CITY OF MARYSVILLE JAIL FOR VIOLATIONS OF**
26 **PLAINTIFF LANDRY’S EIGHTH AND FOURTEENTH AMENDMENT RIGHTS**
(UNCONSTITUTIONAL POLICY, PRACTICE OR CUSTOM – DENIAL OF
MEDICAL TREATMENT- DELIBERATE INDIFFERENCE TO CITY JAIL

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PRISONER'S MEDICAL CONDITION AT THE MARYSVILLE JAIL)

38.

Plaintiff realleges paragraphs 1 through 37 above.

39.

Prior to June 15, 2015, Defendant Municipal Corporation City Marysville, by and through its Chief policy makers Defendant Jail Chief Mark Thomas and Defendant Jail Supervising Sergeant Chris Jones, developed and maintained policies, and/or ratified practices, or customs, exhibiting deliberate indifference to the constitutional rights of persons incarcerated in the Marysville City Jail, which caused the violations of Plaintiff Landry's rights guaranteed by the U.S. Constitution. Defendant Jail Chief Mark Thomas was employed by the City Marysville and is believed to have been the supervising and commanding officer of Defendants City of Marysville Jail Officers John Does 1 – 50, and Defendant Chris Jones, Marysville Jail Sergeant. Defendant Chris Jones, Marysville Jail Sergeant was employed by the City Marysville County and is believed to have been the supervising and commanding officer of Defendants City of Marysville Jail Officers John Does 1 – 50.

40.

At the time of the incident involving plaintiff Landry, it is believed that it was the policy, practice, or custom of City of Marysville to not give sick and injured prisoners medical treatment but instead to put sick and injured prisoners into a padded holding cell where, according to Defendants, the sick and injured prisoners would be held so that they would be safe from further injury and illness. At the time of the incident involving plaintiff Landry, it is believed that it was the policy, practice, or custom of City of Marysville to fail to ensure adequate screening of correctional Marysville Jail officer candidates during the hiring process, or adequate training,

1 supervision, and discipline of Marysville City Jail Officers. The City of Marysville did not
 2 require appropriate in-service training or retraining of officers who violated the Plaintiff's
 3 aforementioned rights. The City of Marysville did not require appropriate in-service training or
 4 retraining of officers who were known to have engaged in misconduct by denying medical
 5 treatment to jail prisoners and thereby ratified its employees' misconduct. The City of
 6 Marysville did not require appropriate in-service training or discipline for jail officers who
 7 tolerated other jail officers denying or delaying medical treatment to sick or injured jail
 8 prisoners.

9 41.

10 As a result of the above described policies, practices, and customs, City of Marysville Jail
 11 officers, including Defendant officers, City of Marysville Jail Officers John Does 1 – 50, Mark
 12 Thomas Jail Commander, Chris Jones Marysville Jail Sergeant and believed that their actions or
 13 inactions would not be properly monitored by supervisory officers or other City of Marysville
 14 supervisory officials and that the Defendant officers' misconduct would not be investigated or
 15 sanctioned, but would be tolerated and/or ratified by Defendants Jail Commander Mark Thomas,
 16 and/or Marysville Jail Sergeant Chris Jones, and/or Defendant City of Marysville.

18 42.

19 The above described policies, practices, and customs of Defendant City of Marysville
 20 demonstrated a deliberate indifference on the part of Defendant City of Marysville to the
 21 constitutional rights of persons within the City and were a cause of the City's jail employees'
 22 failing to provide and/or deny medical treatment to the Plaintiff Sean Landry when he was a
 23 prisoner at the Defendant City Marysville's jail.

25 43.

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1 Plaintiff Landry claims damages for the injuries set forth above under 42 U.S.C. § 1983
 2 against Defendant City Marysville, supervisory Defendant Jail Chief Mark Thomas and
 3 supervisory Defendant Jail Sergeant Chris Jones for violations of Plaintiff Landry's U.S.
 4 constitutional rights under color of law in an amount to be proven at trial.

5 **THIRD CLAIM: UNDER 42 U.S.C § 1983 UNCONSTITUTIONAL POLICY,**
 6 **PRACTICE OR CUSTOM AGAINST DEFENDANT MARYSVILLE FIRE DISTRICT,**
 7 **A LOCAL GOVT. ENTITY; DEFENDANT MARTIN MCFALLS, IN HIS OFFICIAL**
 8 **CAPACITY AS CHIEF OF THE Marysville Fire District; DEFENDANT JEFF COLE, IN**
 9 **HIS OFFICIAL CAPACITY AS A DEPUTY CHIEF of the Marysville Fire District;**
 10 **DEFENDANT TOM MALONEY, IN HIS OFFICIAL CAPACITY AS A DEPUTY**
 11 **CHIEF of the Marysville Fire District; DEFENDANT DARRYL NEUHOFF, IN HIS**
 12 **OFFICIAL CAPACITY AS A DEPUTY CHIEF of the Marysville Fire District.**
 13 **(UNCONSTITUTIONAL POLICY, PRACTICE OR CUSTOM – DENIAL OF**
 14 **MEDICAL TREATMENT- DELIBERATE INDIFFERENCE TO CITY JAIL**
 15 **PRISONER'S MEDICAL CONDITION AT THE MARYSVILLE JAIL)**

16 44.

17 Plaintiff realleges paragraphs 1 through 43 above.

18 45.

19 Prior to December 15, 2018, Defendant Marysville Fire District, a local government
 20 entity, by and through its Chief policy makers Defendant Fire Chief Martin McFalls, and
 21 Defendant Deputy Fire Chief Jeff Cole, Defendant Deputy Fire Chief Tom Malone, Defendant
 22 Deputy Fire Chief Darryl Neuhooff, developed and maintained policies, and/or ratified practices,
 23 or customs, exhibiting deliberate indifference to the constitutional rights of persons incarcerated
 24 in the Marysville City Jail, which caused the violations of Plaintiff Landry's rights guaranteed by
 25 the U.S. Constitution. Defendant Fire Chief Martin McFalls, and Defendant Deputy Fire Chief
 26 Jeff Cole, Defendant Deputy Fire Chief Tom Malone, Defendant Deputy Fire Chief Darryl

1 Neuhoﬀ, were employed by the Marysville Fire District and are believed to have been the
2 supervising and commanding officers of Defendants Marysville Fire District Emergency Medical
3 Technicians (EMTs) 1-5.

4
5 46.

6 At the time of the incident involving Plaintiff Landry, it is believed that it was the policy,
7 practice, or custom of Defendant Marysville Fire District to not give sick and injured prisoners
8 medical treatment but instead to put sick and injured prisoners into a padded holding cell where,
9 according to the Marysville Defendants, the sick and injured prisoners would be held so that
10 they would be safe from further injury and illness. At the time of the incident involving Plaintiff
11 Landry, it is believed that it was the policy, practice, or custom of Defendant Marysville Fire
12 District to fail to ensure adequate screening of correctional Defendant Marysville Fire District
13 officer and EMT candidates during the hiring process, or adequate training, supervision, and
14 discipline of Defendant Marysville Fire District Officers, EMTs, and employees. Defendant
15 Marysville Fire District did not require appropriate in-service training or retraining of officers
16 who violated the Plaintiff's aforementioned rights. The Defendant Marysville Fire District did
17 not require appropriate in-service training or retraining of officers who were known to have
18 engaged in misconduct by denying medical treatment to jail prisoners and thereby ratified its
19 employees' misconduct. The Defendant Marysville Fire District did not require appropriate in-
20 service training or discipline for jail officers who tolerated other jail officers denying or delaying
21 medical treatment to sick or injured jail prisoners.
22

23 47.
24

25 As a result of the above described policies, practices, and customs, Marysville Fire
26 COMPLAINT - Page 21

1 District employees, including Defendants Marysville Fire District Emergency Medical
 2 Technicians (EMTs) 1-5 believed that their actions or inactions would not be properly
 3 monitored by supervisory officers or other Marysville Fire District supervisory officials and
 4 that the Defendant Marysville Fire District EMTs' mistakes and misconduct would not be
 5 investigated or sanctioned, but instead would be tolerated and/or ratified by Defendants
 6 Defendant Fire Chief M Martin McFalls, and Defendant Deputy Fire Chief Jeff Cole,
 7 Defendant Deputy Fire Chief Tom Malone, Defendant Deputy Fire Chief Darryl Neuhoﬀ,,
 8 and/or Defendant Marysville Fire District.

9 48.

10 The above described policies, practices, and customs of Defendant Marysville Fire
 11 District demonstrated a deliberate indifference on the part of Defendant Marysville Fire District.
 12 to the constitutional rights of persons within the City of Marysville and Marysville Fire District,
 13 and were a cause of the Defendant Marysville Fire District 's employees' failing to provide
 14 and/or deny medical treatment to the Plaintiff Sean Landry when the Defendants Marysville Fire
 15 District Emergency Medical Technicians (EMTs) 1-5 examined and/or treated Plaintiff Landry
 16 when- was a prisoner at the Defendant City Marysville's jail.

17 49.

18
 19 Plaintiff Landry claims damages for the injuries set forth above under 42 U.S.C. § 1983
 20 against Defendant Marysville Fire District, supervisory Defendant Fire Chief M Martin
 21 McFalls, and Defendant Deputy Fire Chief Jeff Cole, Defendant Deputy Fire Chief Tom
 22 Malone, Defendant Deputy Fire Chief Darryl Neuhoﬀ,, for violations of Plaintiff Landry's U.S.
 23 constitutional rights under color of law in an amount to be proven at trial.

24 **JURY DEMAND**

1 The plaintiff respectfully requests trial by jury.

2
3 **RELIEF REQUESTED**

4 WHEREFORE, the Plaintiff prays for judgment in an amount to be established at trial,
5 including:

- 6 a. Economic damages to plaintiff against the defendants jointly and severally;
7 b. Non-economic damages to plaintiff against the defendants jointly and severally;
8 c. Reasonable attorney's fees and costs to the plaintiff under 42 U.S.C. § 1988;
9 d. Punitive damages; and
10 e. Such other relief as this court may deem equitable.

11
12 DATED this 13th day of December 2021.

13 KANNIN LAW FIRM P.S.

14
15 By:



16 John Kannin, WSBA #27315
17 Attorney for Plaintiff
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